

IN THE DRAWINGS

The first attached sheet of drawings includes changes to Fig. 20. This sheet, which includes Fig. 20, replaces the original sheet including Fig. 20. The second attached sheet of drawings includes changes to Fig. 29. This sheet, which includes Fig. 29, replaces the original sheet including Fig. 29. The third attached sheet of drawings includes changes to Fig. 31. This sheet, which includes Fig. 31, replaces the original sheet including Fig. 31.

Attachment: Three Replacement Sheets

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-26 are currently pending. Claims 1-26 have been amended; and Claims 27 and 28 have been canceled without prejudice by the present amendment. No new matter has been added.

In the outstanding Office Action, the Examiner indicated that references in the International Search Report were not considered; the drawings were objected to as containing informalities; the title was objected to as being non-descriptive of the claimed invention; the Abstract was objected to; the specification was objected to; Claims 7-10 and 20-23 were objected to as containing informalities; Claims 1, 4-12, 14, 15, 17-25, 27, and 28 were rejected under 35 U.S.C. § 112, second paragraph; Claims 27 and 28 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 11-13, 24-26, and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Day (U.S. Patent 7,222,185 B1, hereinafter “the ‘185 patent”); Claims 1, 3, 8, 14, 16, 21, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fradette (U.S. Patent 6,606,698 B2, hereinafter “the ‘698 patent”) in view of Kaneko et al. (U.S. Patent Application Publication No. 2003/0101272 A1, hereinafter “the ‘272 publication”); Claims 2, 4, 6, 15, 17, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘698 patent and the ‘272 publication in view of the ‘185 patent; Claims 7 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘698 patent in view of the ‘272 publication and the ‘185 patent, further in view of Noma et al. (U.S. Patent Application Publication No. 2003/0055988 A1, hereinafter “the ‘988 publication”); Claims 5 and 18 were rejected under

35 U.S.C. § 103(a) as being unpatentable over the ‘698 patent in view of the ‘272 publication and the ‘185 patent, further in view of Deshpande (U.S. Patent 7,191,246 B2, hereinafter “the ‘246 patent”); Claims 9 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘698 patent in view of the ‘272 publication and the ‘185 patent, further in view of Fukunaga et al. (U.S. Patent 6,282,240 B1, hereinafter “the ‘240 patent”); and Claims 10 and 23 were indicated as allowable if rewritten in independent form.

Applicants thank the Examiner for the indication of allowable subject matter. However, because Claims 1 and 14 have been amended to overcome the applied art, Claims 10 and 23 are maintained in dependent form.

Applicants respectfully submit that the list of references in the International Search Report should be considered an information disclosure statement complying with C.F.R. § 1.98. As noted in the Manual of Patent Examining Procedure, §609.04(a) III,

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.

The outstanding Office Action notes that the International Search Report, which was submitted in the English language, has been received. Moreover, the International Search Report indicates the degree of relevance to relate to Claims 1-28. Furthermore, these references were submitted on Form PTO 1449, which was marked in the Office Action as received on July 9, 2004. Accordingly, Applicants submit that the required explanation of relevance has been satisfied and respectfully request that the references be considered.

Regarding the objection to the drawings, title, abstract, and specification, the amendments suggested by the outstanding Office Action have been made. No new matter has been added. Applicants respectfully request that these objections be withdrawn.

Regarding the objections to Claims 7-10 and 20-23, Applicants have amended those claims to remove the language objected to. No new matter has been added. Applicants submit that these objections are moot and respectfully request that these objections be withdrawn.

Regarding the objections to Claims 10 and 22, Applicants have corrected these claims to overcome the objections.

Regarding the rejections under 35 U.S.C. § 112 of Claims 1, 4, 6, 7, 10, 14, 15, 17, 19, 20, 23, and 27, Applicants have amended the phrase “reproduction request process object data” in Claims 1 and 14 to become “reproduction object data.” No new matter has been added. Moreover, Claim 27 has been canceled. Applicants submit that these rejections are moot and respectfully request that these rejections be withdrawn.

Regarding the rejections to Claims 4-8, 10-12, 17-21, 23-25, and 28, Applicants have amended those claims to provide proper antecedent basis for all of the limitations. No new matter has been added. Moreover, Applicants note that Claim 28 has been canceled. Applicants submit that these rejections are moot and respectfully request that these rejections be withdrawn.

Regarding the rejections to Claims 7-10 and 20-23, Applicants have amended those claims to remove the phrase “the data reproduction process request.” Applicants submit that these rejections are moot and respectfully request that these rejections be withdrawn.

Regarding the rejections of Claims 8 and 21, Applicants have amended those claims to remove the phrase “the process request.” Applicants respectfully that these rejections be withdrawn.

Regarding the rejections of Claims 27 and 28 under 35 U.S.C. § 101, Applicants note that these claims have been canceled and the rejections are moot.

Claims 1-26 have also been amended to address cosmetic matters of form. Claims 1 and 14 have been further amended to include a limitation recited in Claims 8 and 21, respectively. Support for these amendments can be found at least in Claims 8 and 21, respectively. Claims 11 and 24 have also been further amended to address non-cosmetic matters. Support for these amendments can be found at least in the specification in the two full paragraphs on page 76 and in Claims 8 and 21. No new matter has been added.

Amended Claim 1 is directed to an information processing apparatus configured to serve as a reproduction instruction apparatus configured to transmit a data reproduction process request to a node connected to a network and execute a data reproduction process based on return data, including, *inter alia*, a data transmission rate setting unit configured to select one or more data transmission modes as a return data transmission mode, from a plurality of data transmission modes, and determine a data transmission rate of each selected data transmission mode, a packet generating unit configured to perform a setting process for reproduction object data and an address setting process in accordance with the data transmission rate determined by the data transmission rate setting unit, and generate a data reproduction process request packet storing designation data for the set reproduction object data as a request statement, a network interface unit configured to transmit the packet

generated by the packet generating unit, and a rule judgment condition setting unit configured to set judgment data for judging whether the node executes a process satisfying a process request.

In a non-limiting example, Figure 8 illustrates an embodiment in which a judgment of whether the node executes a process satisfying the process request is made. At S101, the node waits for the packet. When the packet arrives at S102, the node generates a random number at S103. This random number is compared with the record rule judgment condition statement at S104. Based on the outcome of this comparison, the process request is either satisfied at S105 or is not satisfied at S106.

The outstanding Office Action asserts that a rule judgment condition setting unit configured to set judgment data for judging whether the node executes a process satisfying a process request, as required by amended Claim 1, can be found in the ‘698 patent. This reference is directed towards a data storage managing apparatus. The ‘698 patent discloses that when the data storage managing apparatus is told to read data, the apparatus indicates a storage address at which the data is stored. The ‘698 patent further discloses that the data is read from the storage address, and a caching unit returns an I/O status with the requested data. That is, as disclosed in the ‘698 patent, as long as the data is present at the storage address, the data is always read. However, the ‘698 patent is silent regarding setting judgment data for judging whether the data is read. Moreover, because the I/O status is returned with the requested data in the ‘698 patent, the I/O status is not directed toward whether the data will be read. Therefore, the ‘698 patent does not teach or suggest “a rule

judgment condition setting unit configured to set judgment data for judging whether the node executes a process satisfying a process request,” as required by amended Claim 1.

Moreover, because the ‘698 patent does not teach or suggest “a rule judgment condition setting unit configured to set judgment data for judging whether the node executes a process satisfying a process request,” Applicants respectfully submit that it also does not teach or suggest that “the network-connected node is configured to set judgment data for judging whether a request for transmission data is executed based on the demand level information” as required by Claim 11; “a rule judgment condition setting of setting judgment data for judging whether the node executes a process satisfying a process request” as required by Claim 14; and “setting judgment data for judging whether a request for transmission data is executed based on the demand level information,” as required by Claim 24.

Additionally, Applicants submit that the ‘185 patent, the ‘272 publication, the ‘988 publication, the ‘246 patent, and the ‘240 patent, either alone or in proper combination, fail to cure the above-noted deficiencies in the ‘698 patent. Accordingly, Applicants respectfully submit that the rejections of dependent Claims 2-10, 12, 13, 15-23, 25, and 26 over various combinations of the applied art are rendered moot by the present amendment.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully Submitted,

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